

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRIS ROENA BROWN, *et al.*,

Plaintiffs,

Case No. 16-cv-13003
Hon. Matthew F. Leitman

v.

UNITED STATES OF AMERICA,

Defendant.

**ORDER (1) DENYING DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT (ECF #23), (2) REQUIRING EXPERT DISCLOSURES, AND
(3) ALLOWING RE-DEPOSITIONS OF PLAINTIFF’S EXPERTS**

In this action, Plaintiff Kris Roena Brown (“Plaintiff”) asserts a claim against Defendant United States of America under the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1) (the “FTCA”), for injuries she allegedly sustained in an automobile accident. (*See* Compl., ECF #1.) On June 30, 2017, Defendant filed a motion for summary judgment. (*See* ECF #23.) The Court held a hearing on the motion for summary judgment on May 29, 2018.

For the reasons stated on the record at the hearing, **IT IS HEREBY ORDERED** that:

1. Defendant’s motion for summary judgment (ECF #23) is **DENIED**;
2. By not later than **June 12, 2018**, Plaintiff shall serve upon Defendant complete disclosures complying with Rule 26(a)(2)(C) of the Federal

Rules of Civil Procedure for any expert who may offer opinion testimony at trial;¹

3. Defendant may re-depose, if it so chooses, any of the witnesses for whom Plaintiff provided a disclosure pursuant to paragraph 2 above. Plaintiff shall pay the costs for the re-depositions of Dr. Wasim Rathur and Dr. Lucia Zamorano;
4. By not later than **June 22, 2018**, the parties shall advise the Court's case manager in a single, joint email whether the parties would like to reconvene settlement proceedings and, if so, in what form; and
5. After the Court's case manager has received the parties' email pursuant to paragraph 4 above, the Court will set a telephone status conference to discuss next steps in this matter.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 29, 2018

¹ Plaintiff has not retained or specially employed any witness to provide expert testimony, which would require disclosure under Rule 26(a)(2)(B). Instead, Plaintiff's expert witnesses are her treating physicians.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 29, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764